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Held at Headquarters, New York,
on Monday, 23 January 1995, at 10 a.m.

Chairperson: Ms. CORTI

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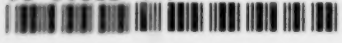

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Combined initial and second reports of Tunisia (CEDAW/C/TUN/1-2)

1. At the invitation of the Chairperson, Ms. Mezhoud (Tunisia) took a place at the Committee table.

2. Ms. MEZHOUD (Tunisia), introducing her country's combined initial and second reports, summarized the historical and geographical factors which had favoured the participation of women in public life throughout Tunisia's history. Those factors had also led to the promulgation, when Tunisia became independent, in 1956, of the Personal Status Code abolishing polygamy, prohibiting forced marriage and establishing a legal basis for divorce proceedings. The Code's provisions had laid the foundations for a new organization of the family based on the legal equality of men and women.

3. The Tunisian Constitution of 1959 stipulated the equality of men and women before the law, granted Tunisian women the right to vote and stand for public office, and recognized their right to limit and space their children's births. In 1985, Tunisia had ratified the Convention on the Elimination of All Forms of Discrimination against Women. Tunisian legislation recognizing equality between the sexes had evolved further, aided by the work of the National Union of Tunisian Women (UNFT), and the principle of equality had been reaffirmed in such basic national instruments as the law governing political parties and the National Covenant.

4. The concept of equality of opportunity had also begun to emerge in the 1980s and had been seen as a prerequisite for integrating women in the country's economic and social life. Such institutions as the Ministry for Women and the Family, of which she was currently Minister, and the Centre for Research, Documentation and Information on Women (CREDIF) had been created with that goal in mind. The appointment of women to a number of high-level posts in the Government and the ruling party reflected a determination to give women the best possible opportunity to participate in decision-making on the country's present and future.

5. Concurrently, a series of legislative reforms had been adopted in 1993 to remove any remaining archaic elements and adapt the legal system to the full exercise of human rights. Those reforms had included an amendment to the Personal Status Code substituting the obligation of mutual respect between spouses for the woman's duty to obey her husband, strengthening mothers' legal right of guardianship of their children and creating a fund to guarantee the payment of alimony and child support. The matrimonial tie was also regarded as an aggravating circumstance in imposing penalties for conjugal violence.

6. The fundamental right to work had been reaffirmed for all women, with the Labour Code explicitly formulating the principle of non-discrimination between

men and women in the workplace. The Code of Nationality had been amended to grant Tunisian women married to foreigners the right to transmit their nationality to their children, with their husbands' consent.

7. Tunisian women were determined to discharge their responsibilities to women elsewhere in the Arab world by devoting their creativity and talent to the tasks of furthering Tunisia's economic and social progress, defeating the plans of the fundamentalists and serving as role models. There was considerable activism on the part of women's organizations such as the National Chamber of Women Heads of Business (CNFCE) and the National Federation of Women Farmers (FNA). Although women accounted for 21 per cent of the total workforce, there had been encouraging increases in professional opportunities for women in the civil service, teaching, medical and paramedical work, communications and agriculture. There were also an increasing number of women in decision-making positions at the local and national levels.

8. Such advances had been made possible by the policies of universal education, health and family planning that together had substantially contributed to women's emancipation. Since 1956, Tunisian legislation had been pursuing a single goal, that of modelling a new society within the framework of a modern Islam, in accordance with the Islamic concept of ijtihad, a dynamic way of thinking that adapted continually to the course of events and of history.

9. Educational reform in Tunisia was designed primarily to inculcate universal values in the young, preparing them for a life that admitted of no discrimination or segregation based on sex, social origin, race or religion. The principle of compulsory education promulgated under that reform was aimed at eradicating the early drop-out phenomenon among girls, especially in rural areas, and at preventing reactionary parents from taking their daughters out of school.

10. The inclusion of family planning among the services offered by primary health care centres had lowered the number of children per family from 7.2 in 1975 to 3.4. in 1989. The already low population growth rate of 1.9 per cent was expected to drop considerably by the year 2000.

11. Obstacles to women's emancipation and social progress nevertheless persisted in Tunisia. Those obstacles included illiteracy and the resurgence of fundamentalism, although the country had managed to ward off the fundamentalist threat through a global, coherent and consistent approach to democratization and human rights, as well as through education and the unequivocal affirmation of women's rights. There was a determination at the highest levels to give women the necessary mechanisms for affirming their presence on the national scene and for taking part in production, decision-making and development. As legislation moved in the direction of still greater recognition of gender equality, women would continue to close the gap between their daily lives and the provisions of the law, thereby paving the way for further legal reforms and the gradual lifting of Tunisia's reservations to certain provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

12. The CHAIRPERSON invited members of the Committee to make general comments on Tunisia's initial and combined reports, followed by comments on specific articles.

13. Ms. SINEGEORGIS applauded the progress made in Tunisia in the area of women's rights and expressed the hope that the lifting of Tunisia's reservations to various provisions of the Convention would facilitate its eventual incorporation into national legislation. She suggested that special measures should be taken to combat illiteracy among women between the ages of 14 and 25, that more women should participate in decision-making, and that measures should be pursued to give Tunisian women equality with men in the area of inheritance rights.

14. Ms. SATO congratulated the representative of Tunisia on an excellent report and said she hoped that the Tunisian Government could consider withdrawing its reservations to several provisions of the Convention in the near future.

15. Ms. JAVATE DE DIOS welcomed the progress made by Tunisian women towards equality before the law, and their participation in political life. The Tunisian Government had shown its determination to create an environment conducive to the participation of women in all areas of life and to guarantee equality for women, despite internal and external resistance. She hoped that the Government would soon be able to withdraw its reservations to article 16, paragraph 1 (c), (d), (f) and (g), article 29, paragraph 1, and article 15.

16. Ms. AYKOR compared Tunisia's efforts to empower women with those of her own country, Turkey. Given that, under the pressure of traditional values, Islamic countries usually wished to see women in a family role, she asked for details of what the Government was doing to protect women's rights as individuals rather than as members of the family. In view of the rising level of fundamentalism in the region, there was a need to show solidarity in the face of criticism and to fight off challenges to the improvement of the individual status of women.

17. Ms. ABAKA congratulated the representative of Tunisia on a clear and comprehensive report. Tunisia was currently chairing the Organization of African Unity and, by its example, was providing excellent leadership for the rest of Africa. She noted that all the necessary legislation had been put in place to ensure so-called third generation rights, such as the right to social peace, the right to a healthy democratic climate and the right to development. She hoped that the Government would have the political will to withdraw its reservation to the article of the Convention referring to inheritance.

18. Ms. KHAN said that it was encouraging to know that Tunisia had granted women rights that were unheard of elsewhere in the region. However, in view of the Government's reservations to the Convention, she wondered whether there was any contradiction between legislation and actual practice. It would be useful to clarify whether the Government considered the growth of democracy to be a threat to stability. She understood the Government's dilemma, but inquired whether there were any long-term plans to allow everyone, including women, to exercise their full democratic rights. She hoped that the Government would withdraw its reservations to articles 15 and 16 of the Convention.

19. Ms. TALLAWY congratulated the Tunisian Government on recognizing both the need to reinforce the gains already made in Tunisia and the responsibility it bore towards women in the rest of the Arab world. Tunisian law had provided a model since the 1950s and the current Government was continuing along the same lines. However, in view of the difficulties presented by fundamentalism in the region, she wondered how Tunisia's pioneering effort and modern interpretation of Islamic precepts could be maintained and consolidated. It would be useful to know whether the Government could collaborate with other Governments of the region in combating negative interpretations of women's rights in the Islamic code. The misinterpretation of Islam's attitude to women was compounded by the interpretation of democracy put forward by the Western media and non-governmental organizations, which confused human rights with terrorism. That point needed clarification. Human rights must be fought for, but women would be the losers if such rights were given an incorrect, retrogressive interpretation. Each State had the right to make reservations to specific articles of the Convention, but she was concerned that the language used to express those reservations seemed to block any future hope for their reconsideration. She referred particularly to the reservation to article 9, paragraph 2, contained in paragraph 323 of Tunisia's report. Options must be left open for the reconsideration of reservations at an appropriate moment.

20. Ms. BUSTELO GARCIA DEL REAL said that she wished to comment on the previous speaker's reference to human rights and Western interpretations thereof. She considered that the United Nations interpretation of human rights should be the standard interpretation. Terrorism should be combated while at the same time protecting all human rights, including those of terrorists.

21. Ms. MUÑOZ-GOMEZ congratulated the representative of Tunisia on her very full report and her excellent presentation. The progress made by the Tunisian Government towards human rights for women should be commended. She would be interested to know how national policies were implemented at the regional level, and the extent of the financial resources made available for long-term policies to promote women's rights. She also asked for more details on the involvement of women, especially poor and rural women, in economic development and wished to hear more about the Government's reservation to article 16.

22. Ms. OUEDRAOGO said that the presence of the Minister for Women and the Family was an indication of her personal commitment to the advancement of women. The report indicated that Tunisia had been advancing towards planned development for the past 30 years, and that it had made economic and social progress despite the prevailing fundamentalist climate in the region. Tunisia had used the positive provisions of the Koran to benefit women. She shared the concern of previous speakers at the Government's reservations to certain articles of the Convention. It would be interesting to learn how Tunisia intended to preserve the achievements made to date and whether Tunisia's women and women's movements could be encouraged to work towards that end.

Article 5

23. Ms. BUSTELO GARCIA DEL REAL said that the report set a positive example to many other women in the world. Turning to article 5, she requested additional information on violence against women. The Convention had no specific article

on that subject, but CEDAW recommendation 19 referred to article 5, which covered discrimination and violence, as well as gender stereotypes and their relationship to violence against women. It would be interesting to have more information on all kinds of violence: domestic violence, rape, sexual harassment at work, and violence against detained or imprisoned women or other vulnerable groups, such as prostitutes. More information was needed not only on legislation, but also on administrative measures, support services and information campaigns: women must know their rights in order to protect themselves.

Article 6

24. Ms. BUSTELO GARCIA DEL REAL noted that prostitutes as a group were vulnerable to violence, but that they should have the same rights as other women. It would be useful to know whether Tunisia's legislation was discriminatory towards prostitutes and their clients, and whether their rights as women were protected under the law and in practice. She wished to know whether minors were protected and whether there was any way of preventing them from turning to prostitution, prostitution being an attractive option in countries such as Tunisia which was visited by large numbers of tourists, and whether there was any trafficking in women for prostitution or for other illegal activities. That was a subject on which little information was available in many countries.

25. Ms. OUEDRAOGO, supported by Ms. KHAN, said that while the report mentioned the legislative measures adopted by the Government to punish prostitution and procuring, statistical data indicating the scope of the phenomenon should be provided in future reports.

26. Ms. ESTRADA CASTILLO said that she would be grateful for additional information on whether a movement had arisen to demand human rights for prostitutes and whether any legislation was being contemplated to protect their health. It would be useful to have a full account of the social policy to re-educate and reintegrate women who had engaged in prostitution (para. 239). The percentage of women involved in regulated prostitution should be clarified. Lastly, noting that Tunisia had signed the Convention on the Rights of the Child, she asked whether child prostitution existed in the country and, if so, what steps had been taken to control it.

27. Ms. JAVATE DE DIOS said that she too would appreciate further details on the social policy referred to in paragraph 239 of the report, as well as on whether the Government had addressed the problem of men's attitudes towards prostitution.

Article 7

28. Ms. JAVATE DE DIOS commended the efforts made to ensure maximum participation by women in politics and public life, especially the reforms provided for in the Constitution and the Personal Status Code. The reporting State should indicate whether there had been any resistance to the Government's efforts to institutionalize women's equality and, if so, how the Government had dealt with it.

29. Ms. ESTRADA CASTILLO, while noting with satisfaction the legislative measures adopted to promote equality for women, said that the issues discussed in paragraphs 250 to 257 of the report were cause for concern, especially the indications that women preferred to vote for male candidates and did not question male authority within the home. Since raising women's awareness appeared to be the greatest challenge, it would be useful to learn whether the Government was contemplating any basic educational reforms designed to inculcate positive attitudes towards women's participation at the primary level.

Article 9

30. Ms. KHAN said that it was difficult to understand why, despite far-reaching social reforms, women were still treated unequally in respect of the transmission of nationality to alien spouses and children. It would be useful to learn whether any efforts were being made to change that situation, especially by the national "Women and Development" commission. Moreover, since one half of the country's female population was illiterate, the reporting State should indicate whether any steps had been taken to use the mass media to disseminate information concerning women's legal rights.

31. Ms. ESTRADA CASTILLO said that more information should be provided on how the rules concerning transmission of nationality affected non-Tunisian women with Tunisian children who left the country.

Article 10

32. Ms. LIN Shangzhen said that the importance which successive Tunisian Governments had attached to education, as reflected in the education budget, was impressive. However, while it was encouraging to note that women had accounted for 40.5 per cent of the student body in higher education during 1991-1992, women students still appeared to be concentrated in traditionally "female" disciplines. It would be interesting to learn whether any measures were being contemplated to encourage women to enter traditionally "male" fields, such as engineering and computer science. Lastly, further details should be provided in the next report on the results of the programme to combat illiteracy.

33. Ms. OUEDRAOGO said that, while the reporting State had made commendable efforts to increase educational opportunities for women, much remained to be done to raise women's literacy levels so that they could have access to higher-paying jobs. She would appreciate knowing whether any studies had been carried out on the root causes of the school drop-out phenomenon among girls.

34. Ms. JAVATE DE DIOS said that greater attention should be paid to the problem of female illiteracy, as education was the key to women's empowerment. The Government was to be commended for its efforts to portray women in a positive light in school programmes and textbooks, as reflected in paragraphs 204 to 208 of the report. The inclusion of courses on public freedoms and human rights in law school curricula, as outlined in paragraphs 210 to 213, was of particular importance for disseminating the concept of women's rights. Nevertheless, there had been some disturbing complaints of possible violations of human rights, including women's human rights, which needed clarification. A human rights organization had alleged in its 1993 report that

hundreds of women had been detained and, in some cases, sexually abused by the police as part of the Government's campaign against religious fundamentalism. She would be grateful for additional information on the situation of women belonging to opposition political groups.

35. Ms. BARE noted with satisfaction the progress made in improving young women's access to secondary and tertiary education, as well as the encouragement given to women scholars to conduct primary research aimed at providing the Government with a firmer basis for formulating policies to improve the status of women.

36. Drawing attention to paragraphs 474 to 477 of the report, which discussed young women's choices of fields of study, she said that the reporting State should be more specific about the information campaign being undertaken by the Ministry of Education and Sciences. In particular, it was unclear whether school curricula should be scrutinized from the standpoint of the role models which they portrayed.

Article 11

37. Ms. JAVATE DE DIOS, drawing attention to paragraphs 552 to 554 of the report, which alluded to the inadequate recognition given to women's economic contribution in the agricultural sector, asked whether any studies of the informal sector had been carried out with a view to making a more accurate assessment of women's economic role. It would be useful to learn whether a gender-sensitive statistical system was in place.

38. Turning to paragraph 570, which outlined the prospects for improving the employment and training of women, she asked whether there were any plans to train women for non-traditional jobs.

39. With regard to paragraphs 579 to 618, which detailed the legal machinery for the protection of the health and safety of working women, she requested further details on the problem of sexual harassment in the workplace and on any steps which had been taken to ensure that women were not subjected to such behaviour by employers or co-workers.

40. Ms. SATO said that it had come to her attention that the proportion of economically active women over 30 years of age in rural areas was less than 20 per cent; the reasons for that situation should be clarified. It would also be useful to learn whether the number of female students in higher education was increasing and whether there were sufficient job opportunities for women graduates.

Article 12

41. Ms. OUEDRAOGO said that she would welcome further information on the Government's plans to increase health coverage for women and girls, especially in connection with women's right to control their fertility.

42. Ms. JAVATE DE DIOS said that, as the report contained no information on violence against women, it would be useful to know whether any statistics were

available on wife-beating, rape, and so on, and whether such phenomena were regarded as a criminal or a health issue. She also requested the reporting State to comment on a report by a foreign organization that some Tunisian women were experiencing emotional difficulties as a result of the conflict between liberal government policy and traditional Islamic teachings regarding their status.

43. Ms. KHAN, noting that abortion was permitted during the first trimester of pregnancy but only for women who already had five living children, said that the implications of that provision for population control were unclear. The Government should also indicate whether the decision to have an abortion could be taken by women alone, or whether they needed their husband's permission.

Article 13

44. Ms. KHAN, noting with satisfaction that the Government had made no reservations to article 13, said that the reporting State should clarify whether girls and boys had an equal right to inherit family property.

Article 15

45. Ms. KHAN said that it was difficult to understand in what context the Government had made the declaration stating that the provisions of article 15, paragraph 4, including those regarding the choice of residence and domicile by women, were not to be interpreted as being contrary to the provisions of the Personal Status Code.

Article 16

46. Ms. CARTWRIGHT said that the disparity between the age of marriage for men and for women had no physiological or intellectual basis and should be clarified.

47. She shared the concerns of other members of the Committee at the Government's reservation to paragraph 1 (c), (d), (f), (g) and (h) of article 16, dealing with women's status within the family. Since most discrimination originated within the family, the Government, by ending all legal discrimination against women, could take the lead in encouraging better attitudes towards women in the private sphere.

48. More information should be provided on whether women could share property acquired during a marriage, even if it had been acquired with the husband's earnings. She noted that the persistence of the custom of providing a dowry indicated that women were still, to some degree, regarded as a commodity. Lastly, she would appreciate information on the social position of women who lived independently of men.

49. Ms. ESTRADA CASTILLO said that the Government's reservation to article 16 indicated that women's position within the family was not as strong as it might be. Moreover, the reservation was inconsistent with the Government's obligations under the Convention on the Rights of the Child, which it had also signed.

50. Ms. BUSTELO GARCIA DEL REAL said that she too trusted that Tunisia would withdraw its reservation to article 16. Notwithstanding such reservations, Tunisia represented an encouraging example of progress against inequality. It was in fact preferable to make reservations and then withdraw them, rather than, as some States did, ratify the Convention without reservations but not fully implement its provisions.

51. Ms. KHAN asked how the ban on polygamy was applied, in view of the reservation to article 16 (c).

52. Ms. MUÑOZ-GOMEZ observed that problems of domestic violence appeared to arise when men attempted to impose their authority within the family. Given that free unions were not recognized in Tunisia, she asked for details of the rights of children born out of wedlock.

53. Ms. OUEDRAOGO welcomed the abolition of polygamy and noted that the age of marriage was lower for women than for men.

54. Ms. HARTONO asked whether inter-religious and other mixed marriages were possible and, if so, which elements of the Koran would be viewed as applicable. She also wished to know whether women had the right to select schools for their children without their husband's consent. With respect to inheritance, she asked whether women could inherit from their spouse on the same basis as men. She wished to know what would happen with regard to inheritance, and in general, if there was a conflict between Islamic and civil law and between the judgements of religious and secular courts.

55. The CHAIRPERSON welcomed the explanation given of Tunisia's geo-political situation, which helped the Committee to grasp the extent to which Tunisia's progress was conditioned by the need to avoid adverse reactions. The Personal Status Code of 1956 had established a symbiosis between the dictates of religion and the demands of modern life. The ending of polygamy and the changes with regard to divorce and age of marriage had strengthened the role of women in family relationships, laying a strong foundation for the advancement of women. It was clear that the political will existed to ensure de jure and de facto equality for women. The provision of family planning services in rural areas also reflected a policy of social change.

56. The report followed the Committee's guidelines and took into account its general recommendations. She would have liked further details on article 9, and trusted that Tunisia would soon withdraw its reservation to that article. It seemed that, notwithstanding the progress made in education and in opening up non-traditional roles to women, much remained to be done, particularly in the political domain. She trusted that the progress so far made would soon extend to other areas, bearing in mind the need to guard against negative reactions from extremist religious groups that were opposed to women's rights. Tunisia must remain a beacon for women in the Muslim world.

57. Ms. MEZHOUD (Tunisia) noted that Tunisia's geopolitical situation cautioned against moving ahead too fast. Nevertheless, the political will to promote human rights, dignity and respect existed at the highest levels, and the Government would pay great attention to the comments made by the members of the Committee.

The meeting rose at 1 p.m.